

Docket No.: 0038-0460PUS1  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Naoki ITO et al.

Application No.: 10/535,496

Confirmation No.: 4054

Filed: May 18, 2005

Art Unit: N/A

For: TIGHTENNING BAND

Examiner: Not Yet Assigned

**RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE**

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Defective Response dated August 31, 2006, Applicant respectfully submits:

- ☒ Attached is a copy of the Notification of Defective Response.
- ☒ Attached is the **Replacement** Executed Declaration and Power of Attorney ☒ Original  
☐ Photocopy.
- ☐ The specification attached to the executed Declaration and Power of Attorney is a true copy of the specification that was filed in the U.S. Patent and Trademark Office on May 18, 2005, including any amendments thereto (if applicable) filed on even date therewith.
- ☒ The undersigned hereby declares that "Attorney Docket No. 0038-0460PUS1" on page 1 of the attached Inventors' Declaration corresponds to Appl. No.10/535,496 filed May 18, 2005 entitled "TIGHTENNING BAND."

- ☐ Attached is an English language translation of the above-identified application that was filed in a foreign language, which should be used as the copy for examination purposes.

See the attached Translator's Verification; or

The undersigned states that the English translation attached hereto is a true and correct translation of the application as originally filed in a foreign language.

- ☐ Attached are 0 sheet(s) of drawings. Please substitute these replacement drawings for the corresponding 0 sheet(s) of drawings on file in the above-identified application.
- ☐ Attached are substitute claims commencing on a separate sheet in accordance with 37 C.F.R. § 1.75(h).
- ☐ Attached is a substitute abstract commencing on a separate sheet in accordance with 37 C.F.R. § 1.72(b).
- ☐ Attached is a substitute specification that complies with 37 C.F.R. § 1.52. The substitute specification does not contain new matter.
- ☐ Attached is a preliminary amendment.
- ☐ Applicant claims small entity status under 37 C.F.R. § 1.27.
- ☐ Attached is a Supplemental Application Data Sheet (ADS).
- ☐ Submitted concurrently herewith under separate cover for recording is an Assignment.
- ☐ Attached is a Petition for Extension of Time.
- ☐ The Government Filing Surcharge for late filing of oath and/or declaration in the amount of \$130.00 in accordance with 37 C.F.R. §§ 1.494 and 1.492 was previously paid for concurrently with the filing of the application on May 18, 2005.

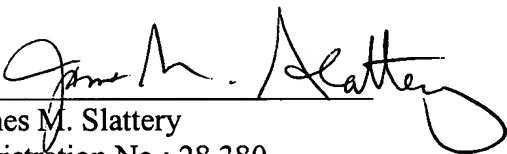
☐ Attached hereto is the fee transmittal listing the required fees.

Applicant's report that the Replacement Declaration attached hereto merely corrects a typographical error in the priority application number provided therewith. The priority document on the original Declaration was noted as ~~PCT/JP3003/01428~~ and should have been PCT/JP2003/014283.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: September 29, 2006

Respectfully submitted,

By   
James M. Slattery  
Registration No.: 28,380  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant

Attachment(s)



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/535,496	Naoki ITO	0038-0460PUS1

INTERNATIONAL APPLICATION NO.
-------------------------------

PCT/JP03/14283

I.A. FILING DATE	PRIORITY DATE
------------------	---------------

11/10/2003

2292  
 BIRCH STEWART KOLASCH & BIRCH  
 PO BOX 747  
 FALLS CHURCH, VA 22040-0747

mm  
**DOCKETED**  
*response*  
 9-30-06

CONFIRMATION NO. 4054

371 FORMALITIES LETTER



\*OC000000020252790\*

Date Mailed: 08/31/2006

**NOTIFICATION OF DEFECTIVE RESPONSE**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Indication of Small Entity Status
- Copy of the International Application filed on 05/18/2005
- English Translation of the IA filed on 05/18/2005
- Copy of the International Search Report filed on 05/18/2005
- Information Disclosure Statements filed on 05/18/2005
- Oath or Declaration filed on 04/24/2006
- U.S. Basic National Fees filed on 05/18/2005
- Priority Documents filed on 05/18/2005

Applicant's response filed 04/24/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 03/22/2006 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice **MUST** be returned with the response.

FRANCINE YOUNG

Telephone: (703) 308-9140 EXT 215

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/535,496	PCT/JP03/14283	0038-0460PUS1

FORM PCT/DO/EO/916 (371 Formalities Notice)